

## REMARKS

By the present Amendment, claims 1-9 are cancelled and claims 10-27 are added to clarify the claims. This leaves claims 10-27 pending in the application, with claim 10 being independent.

### Substitute Specification

The specification is revised to eliminate grammatical and idiomatic errors in the originally presented specification, and to add an Abstract of the Disclosure and subheadings as required. The number and nature of the changes made in the specification would render it difficult to consider the case and to arrange the papers for printing or copying. Thus, the substitute specification will facilitate processing of the application. The substitute specification includes no "new matter". Pursuant to M.P.E.P. § 608.01(q), voluntarily filed, substitute specifications under these circumstances should normally be accepted. A marked-up copy of the original specification is appended hereto.

### Drawings

The application was filed with two sheets of drawings, with Figs. 1-3, which drawings were included in the International application. Additional copies of the drawings are submitted herewith. Thus, drawings were included in the application as filed, to comply with 37 C.F.R. § 1.81.

### Provisional Double Patenting Rejection

Original claims 4-9 stand rejected under 35 U.S.C. § 101 as claiming the same invention as claims 1-6 of co-pending Application Serial No. 09/601,279. The claims of this application and of the co-pending application are rewritten to provide a clear line of demarcation. Specifically, the claims of this application are distinguishable from those of the co-pending application by the microadhesive closing element having protruding interlocking elements on each of its opposite surfaces to interlock, and thus releasably engage, and connect a loopless material fixable to the floor surface and a loopless material forming or attached to the back side of the carpet. These features of the present claimed invention are not recited in nor obvious from the subject matter claimed in the co-pending application.

Accordingly, the claims of this application do not recite the “same invention” of the co-pending application. Reconsideration and withdrawal of the provisional double patenting rejection is requested.

### Claim Objections and Rejections Under 35 U.S.C. § 112, Second Paragraph

Original claim 5 is objected to and claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By the present Amendment, the claims have been rewritten to avoid the alleged indefiniteness in the originally presented claims. Proper antecedent basis is provided for all terminology.

As presently drafted, the claims use the terms “felt”, “fleece”, and “tuft”. These terms are not coextensive and are recognized terms, as evidenced by the enclosed pertinent portions of the Modern Textile and Apparel Dictionary. These terms are not coextensive. Applicant respectfully submits that one skilled in the art, upon reading these terms within the context of the

entire application would be reasonably apprised of the scope of the invention as set forth in each pending claim.

Accordingly, the presently pending claims are definite and comply with the requirements of 35 U.S.C. § 112.

### Rejection Under § 103

New claim 10 covers a floor carpet installation system comprising a carpet 1 and 3, a floor loopless material 21 and a micro-adhesive closing element 7. The carpet has a nap side forming its usable surface and has a backside formed of a carpet loopless material 5 opposite the nap side. The floor loopless material is fixable to a floor surface 25. The micro-adhesive closing element has opposite carpet and floor surfaces, with each surface having protruding interlocking elements 11. Elements on the carpet and floor surfaces of the closing element interlock with the carpet and floor loopless materials, respectively. The interlocking elements are configured as fingers with thicknesses 13 at their free ends. The interlocking elements on the carpet surface have different shapes, different dimensions and/or different relative adjacent spacings relative to the interlocking elements on the floor surface.

By forming the carpet insulation system in this manner, both the connection between the closing element and the carpet backside loopless material 5 and the connection between the closing element and the floor loopless material 21 are releasable. The differences between the interlocking elements on the carpet surface and on the floor surface provide different connection strengths at each of the respective interfaces to facilitate the desired removable.

Original claims 1-3 and 6-9 stand rejected as being unpatentable over German Patent No. 195 32 685 to Leopold in view of German Patent No. 196 46 318 to Hammer. The Leopold

patent is cited for floor covering having a first layer which is the upper layer of the floor covering and a lower layer of felt connected with an underlayer 4 having an upwardly pointing surface with properties to engage a felt. The opposite surface of the underlayer is glued to the floor substrate 5. The Hammer is cited for a micro-adhesive closing. In support of the rejection, it is alleged that it would be obvious to add the Hammer hooked material for the Leopold hooked material.

The Leopold patent discloses a carpet installation system having an underlayer 4 glued to the floor surface 5. Underlayer 4 has a plurality of hook or mushroom formed interlocking elements which extend upwardly from its upper surface, and engage a felt layer 2 attached to the undersurface of carpet 1. The felt layer 2 is fixed to the underside of carpet layer 1.

Since the Leopold underlayer 4 only has interlocking elements extending upwardly from its upper surface, it does not have or render obvious the use of a closing element in a carpet installation system having interlocking elements extending from each of the two opposite surfaces of the closing element. Particularly, it does not disclose a micro-adhesive closing element having different interlocking element configurations on each of its two opposite surfaces to provide different connections with two different loopless materials. In the present claimed invention, a removable connection is provided between the carpet and the adhesive closing element and between the adhesive closing element and the floor loopless material.

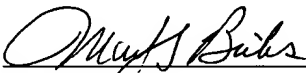
The German Hammer patent is only cited in connection with the micro-adhesive closing element. It is not cited relative to the above discussed Leopold deficiencies regarding the interlocking elements on both sides and the different configurations on both sides of the adhesive closing element. None of the other cited patents cure the deficiencies in the Leopold and Hammer patents.

Accordingly, claim 10 is patentably distinguishable over the cited patents.

Claims 11-27, being dependent upon claim 10 are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the mushroom-shaped heads of claim 11, the plate-shaped heads of claim 12, the depressions of claims 13 and 14, the adhesive of claims 15-18, the felt of claim 19, the fleece of claim 20, the loose leno weave of claim 21, the flat knit of claim 22, the non-woven textile of claim 23, the synthetic material of claim 24, the needle punched felt of claim 25, the riveted tuft of claim 26, and the sound absorbing properties of claim 27, are not disclosed or rendered obvious by the cited patents, particularly within the overall claimed combination.

Accordingly, claims 10-27 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,

  
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